

REMARKS AND ARGUMENTS

All claims have been re-numbered in the original sequence to conform to current practice. Claims 1 through 13 remain in the application. Original Claims 1-4 have been earlier withdrawn as the result of a restriction requirement. Elected Claims 5-17 were re-numbered to be Claims 1-13. Independent Claim 1 and dependent Claim 3 have been newly amended.

Claim 1 has been amended to indicate that the pocket is an exterior pocket. This is supported throughout the specification (see lines 8-11 of paragraph [070]) and in the drawings of FIGS. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 30.

Claim 3 has been amended to indicate more clearly that in this mode, upper hand portions and upper finger portions are covered, but not by “said thumb enclosure”. This is supported in the specification at paragraph [072] and by FIG. 6.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 5, 6, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Christman et. al. U.S. Patent No. 6,076,189.

Applicant asserts that the apparatus of the instant invention is much different from the Christman et al. patent. Claim 1 of the present invention has been amended to further distinguish over the reference.

The Christman et al. patent discloses a simple garment sleeve 3 with a cuff 4. The cuff has an upper end 4a and a lower (distal) end 4b. A bag-like pocket 6 has a portion of its open end sewn into the interior of the cuff, at the upper end thereof, enabling a wearer to insert four fingers into the pocket and project it out of the cuff with the fingers inside. The present invention has no such inner projectable pocket. Instead, the present invention has a pocket formed on the exterior of the sleeve by which the open end of the sleeve (i.e. “cuff”) may be enclosed and covered, or alternatively left open. The Christman reference has no external pocket at all.

In Christman, an elongate thumb pocket 7 fully covers a thumb hole 3a in the sleeve 3. A wearer’s thumb is inserted into the thumb pocket and pushed through the thumb hole. The

thumb cannot be bared except by exposing the entire hand together as shown in FIG. 9 of the reference. When not being used, the thumb pocket must be withdrawn through the thumb hole into the sleeve.

In the instant invention, the thumb enclosure 46, when not in use, will be covered by 2-way pocket 48 when the latter is retracted to a position which leaves the terminal opening 18 uncovered. The thumb enclosure 46 is not intended to be pulled through its opening in the sleeve.

The present invention was made by outdoor sportspersons who live a physically active life, e.g. rock-climbing, mountain climbing, cross-country racing, skiing, etc. An object of the invention is to provide an arm/hand covering which is easily conformed to a variety of hand-covering modes while being worn in a very high profile activity. Thus, for example, a rock climber will desire a garment in which a hand covering mode of a "free" hand may be changed while clinging to a rock cliff with the other hand. Also, it is desired to be able to maintain a mode of coverage, even during extreme arm stretching and rough hand use (e.g. rope climbing). The Christman invention, as described, has shortcomings in these requirements, wherein the hand covering may ride up on the wearer's arm. In the present invention, as claimed, retention of a mode during extreme motion including arm stretching and rough hand use, is enhanced.

The Examiner states in a description of Christman that "a pocket/glove (6) extends generally from the terminal end to a pocket opening generally spanning the palm side being approximate to the the thumb enclosure".

The statement is generally true, but unlike the present invention, pocket/glove (6) is on the interior of the cuff, and is extendable outwardly from the cuff. In the present invention, the pocket is on the exterior of the tube, and may be folded over the "cuff" to form a closed mitten. This construction permits much more strenuous use of the fingers or hand without interference from the cuff or the pocket. Thus, amended Claim 1 is believed to be allowable.

With respect to Claims 2, 4, 5, 6, and 12, these claims are considered patentable as being dependent upon amended Claim 1.

The hand covering features of the invention have already led to outstanding acceptance by sports clothing retailers, and by the public.

At the 2005 Outdoor Retailer Trade Show, held in Salt Lake City, UT in January and February, 2005, approximately 740 companies, representing 270,000 outdoor/winter products, were exhibited. Jackets incorporating the hand covering feature of the present invention were awarded the following awards as reported in Outdoor Retailer Winter Market Daily of Jan. 29,

2005 and February 1, 2005:

“Best Pick of Show” for LOKI Myth Softshell Jacket,

“Hot New Product” for LOKI eVENT Shell Jacket, and

“Best Pick of Show” for LOKI Y-Series Women’s Line

To date, all manufacturing has been by LOKI, LLC, a small company founded by the inventors of the present invention. Currently, LOKI, LLC has 85 U.S. accounts and 25 Japanese accounts for supplying products with the hand covering feature of the invention, including:

Cabela’s, Nebraska

Paragon Sporting Goods, New York City

Squaw Valley Sports, California

Marmot Mountain Works, Washington state

MARSHALL’S, Massachusetts

TJMAX. Massachusetts

A&F Country Distributors, Japan

Rejections Under 35 U.S.C. § 103

Claims 8-11 and 13 stand rejected under 35 U.S.C. §103 as being obvious over Christman et al.

The arguments presented above also relate to the limitations of Claims 8-11 and 13, as being dependent upon amended Claim 1.

Rejections Under 35 U.S.C. 103(a)

Claim 3 stands rejected under 35 U.S.C. 103(a) as being obvious over Christman et al. in view of Reich U.S. Patent No. 5,794,265.

Reich describes a garment sleeve insert which is attached to the inside of a cuff, and may be withdrawn into the sleeve interior. The sleeve insert has a simple thumb hole.

In Claim 3, the hand covering of the present invention has both a thumb enclosure 46 and an open thumb hole 70, each of which provides a limit to the degree which the fingers may extend beyond a covering.. Furthermore, Claim 3 is deemed allowable as being dependent upon Claim 1.

Claim 7 stands rejected under 35 U.S.C. 103(a) as being obvious over Christman et al. as applied in claim 6, in view of Reich U.S. 5,794,265., and further in view of Carpenter 5,711,032.

Applicant believes that Claim 7 is allowable as being dependent upon Claim 1.

None of the other art cited by the Examiner is believed to be any closer to the present invention than the art cited in the rejections.

In view of the above amendments and representations, applicant believes that Claims 1-13 of the instant invention are fully patentable over the prior art.

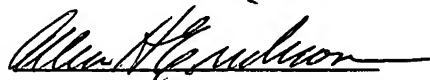
Respectfully submitted,

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